



Fact Sheet

Summary

The U.S. Environmental Protection Agency (EPA) is proposing water quality standards that establish a designated use of Fish & Wildlife for the segment of Five Mile Creek from Newfound Creek to Ketona in the State of Alabama. EPA is proposing this new designated use to ensure protection for aquatic life and recreation in and on the water.

About the proposed regulation

EPA's proposal to upgrade the designated use of this segment of Five Mile Creek to Fish & Wildlife will require Alabama to protect this segment for fish and wildlife. Facilities discharging into Five Mile Creek may need to upgrade their pollution control measures to achieve the Fish & Wildlife designated use, but they have discretion in the measures they use.

Upgrading the designated use of this segment of Five Mile Creek from Newfound Creek to Ketona produces important environmental and public health benefits.

- The water in this stream will be protected so that fish and wildlife can thrive.
- The Fish & Wildlife designated use will also create a need for proper sanitation by health authorities and will make possible safe outdoor swimming and other whole body water-contact sports during the summer.

EPA signed a consent decree with the Alabama Rivers Alliance and Legal Environmental Assistance Foundation requiring EPA to propose a federal use designation for this stream segment (among others) or withdraw its disapproval by October 15, 2002.

- This action, along with EPA's approval of the state's revisions to the remaining streams' designated uses, fulfills that commitment.
- If Alabama revises its water quality standards and upgrades the use designation of this stream segment from Agricultural & Industrial Water Supply to Fish & Wildlife, the Agency will not publish a final federal use designation.
- If Alabama makes the necessary changes after EPA promulgates this rule, EPA will withdraw the federal use designation.

Background

EPA's water quality standards regulations require states to designate uses for all water bodies within their jurisdiction.

- Designated uses determine what water quality criteria apply to specific water bodies. EPA's regulations interpret the Clean Water Act's goal of "... water quality which provides for the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water ..." by requiring that water quality standards provide for "fishable/swimmable" uses unless they have been shown to be unattainable.

- When the Agency disapproves a state or tribal water quality standard, and the state or tribe does not make appropriate changes, EPA's Administrator must propose and promulgate revised standards.

In October 1986 and July 1991, EPA Region 4 disapproved Alabama's designated use of Agricultural & Industrial Water Supply for this segment of Five Mile Creek because there has been no evidence to suggest that a higher use designation of Fish & Wildlife could not be achieved.

How to Get Additional Information

You can view the material in the official public docket from 9:00AM to 3:30PM, Monday through Friday, at EPA's Region 4 offices. Ask for Proposed Water Quality Standards for Alabama OW-2002-0023.

Water Management Division
EPA, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, 30303-3104

You can also find the document on the EPA Internet at <http://www.epa.gov/fedrgstr/> or use EPA's E-DOCKETS at <http://www.epa.gov/edocket/> to submit or view public comments. Refer to the Federal Register notice for instructions on submitting comments.

EPA will hold a public hearing on this proposal on December 12th from 2 to 5 PM and from 7 to 9 PM at the Sheraton Birmingham, 2101 Richard Arrington Jr. Boulevard North, Birmingham, Alabama, 35203. If you need special accommodations, including wheelchair access or a sign language interpreter, contact Fritz Wagener (404-562-9267) at least 15 business days before to the hearing so that we can make appropriate arrangements.